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| 10/691,538 | 10/24/2003 | Harald Sitter | 2003_1457A | 6884 |

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| EXAMINER |
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KYLE, MICHAEL J

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| ART UNIT | PAPER NUMBER |
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3677

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,538

Applicant(s)

SITTER, HARALD

Examiner

Michael J. Kyle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/24/2003
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the limitation “for doors and similar construction components”. It is unclear which features are included by the “similar construction components”. Examiner suggests removing this portion of the phrase.
2. Claim 1 is objected because lines 3 and 6 of the claim recites “whereby the same incorporates...”. It is unclear what “the same” refers to.
3. Claim 1 recites “the hinge is completely received into the door when the same is closed” in line 6 of the claim. As best understood by the examiner, the hinge is received in the door frame, not the door.
4. Claim 2 is objected to because it recites “Hinge according to claim 2”. Examiner believes claim 2 should depend from claim 1.

Claim 3 is objected to because it is unclear which feature the phrase “one of which” (line 3 of the claim) refers to.
5. Claim 4 is objected to because of the limitation that the door frame “can be flanged onto the internal wall”. As best understood, the flange is attached the internal wall by screws, not by the flange itself, as the term “flanged” implies.
6. Claim 5 is objected to because it is unclear which hollow profile the “said hollow profile” refers to.
7. Claim 7 is objected to because of the limitation that the door “can be flanged onto an insertion pocket”. As best understood, the flange is attached the insertion pocket by screws, not by the flange itself, as the term “flanged” implies.

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8. Claim 11 is objected to because of the limitation "whereby the same extends...". It is unclear which feature "the same" refers to.
9. Claim 11 recites the limitation, "the cover plate". This limitation lacks antecedent basis.
10. Claim 11 recites the term "i.e.". It is unclear what is incorporated by this term.
11. Claim 12 recites "said tool". This limitation lacks antecedent basis. As best understood, the claimed tool, is the same as the lifting key of claim 11.
12. Appropriate correction is required.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Schonitzer (U.S. Patent No. 2,394,014). Schonitzer discloses a hinge installed within a door frame (19) where each of a door (18) and the door frame (19) include hollow profiles and a recess. The hinges is installed in the recess of the door frame (19, see figure 1), and is completely received within the door frame when the door is closed so that the hinge is invisible when the door is closed.
15. With respect to claims 2 and 3, Schonitzer discloses the hinge to be inserted into a recess through an installation opening (in edge wall 29) located within the hollow profile. The hinge includes two flaps (20, 30) connected to each other by a hinge bolt (37). The hinge flap (30)

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nearest the door frame (19) incorporates a flat angled simple flap profile. The hinge flap (20) nearest the door includes a multi-angled flap profile enclosing the hinge bolt (37).

16. With respect to claim 4, Schonitzer discloses the hinge flap nearest the door frame (30) is flanged (at 33) onto the internal wall of the hollow profile of the door frame.

17. With respect to claim 6, Schonitzer discloses one of the hinge flaps (30) to include to flap halves (35, 36) that are located on both sides of the other flap (20). The hinge flaps are rotationally connected with one another with a hinge bolt (37).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 5 and 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schonitzer in view of Goldsmith et al ("Goldsmith", U.S. Patent No. 6,430,779). Schonitzer does not disclose the adjustable height arrangements as claimed.

20. Goldsmith teaches a hinge apparatus where a hinge flap (30) is positioned in a height-adjustable manner with a hollow profile. The hinge flap includes a cover plate (80 or 81) and is installed within a hollow profile (of 70). The cover plate lies external the hollow profile. This arrangement allows for the hinge to be installed in a height adjustable manner, so that user may adjust the height of hinge to ensure a proper and optimal fitting. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Schonitzer as taught by

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Goldsmith in order to provide a height adjustable hinge. An adjustable hinge allows a user or installer to adjust the location of hinge relative to the door frame or other structural member, to ensure a proper and optimal fitting of the hinged object.

21. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schonitzer in view of Ferrari et al ("Ferrari '966", U.S. Patent No. 5,781,966). Schonitzer fails to disclose the claimed insertion pocket and adjustment features as claimed.

22. Ferrari '966 teaches an adjustable hinge apparatus where a hinge flap nearest the door (14) is flanged onto an insertion pocket (59, 60) that is installed into a recess (12) of the door. The insertion pocket is inserted through an opening of the hollow profile of the door. The insertion pocket (59, 60) consists of an internal tab (60) and an external tab (59) screwed together for adjustment of the door. The internal tab (60) can be flanged onto the internal wall of the hollow profile. The external tab includes an adjustment bolt (33) with an eccentric cam (31) positioned within the insertion pocket for adjustment of the door across the direction of the door level. The same cooperate with a keyhole-shaped opening within the fitting flange of the hinge flap that is nearest the door. This arrangement allows for easy adjusting the hinge to ensure proper fitting of the hinged member relative to the adjacent structure. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Schonitzer as taught by Ferrari '966 in order to provide easy adjustment of the hinged member relative to the adjacent structure to ensure a proper fit.

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23. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schonitzer in view of Ferrari et al ("Ferrari '164", U.S. Patent No. 6,145,164). Schonitzer fails to disclose height adjustment features and tool as claimed by applicant.

24. Ferrari '164 teaches an opening (in 30) and a cover plate (30) where the same receives a lifting key (38) for height adjustment of the hinge. The lifting key is used to manually adjust the hinge in relation to the profile, and has a square cross section. This arrangement allows for easy adjusting the hinge to ensure proper fitting of the hinged member relative to the adjacent structure. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Schonitzer as taught by Ferrari '164 in order to provide easy adjustment of the hinged member relative to the adjacent structure to ensure a proper fit.

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited to further show the state of the art with respect to invisible and adjustable hinges: Parsons, Anderson, Bradley, Maggart, Schwarz II, Lautenschlager et al, Bobrowski, Imbur, and Dubach et al.

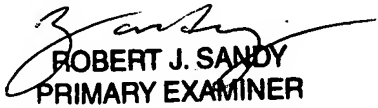
26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Kyle whose telephone number is 571-272-7057. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mk


ROBERT J. SANDY
PRIMARY EXAMINER